

United STATES DISTRICT COURT
IN THE WESTERN DISTRICT OF MICHIGAN

James Offringa,

Pro Se

Plaintiff,

V.S.

Case No:

Grand Rapids Griffins,

Defendant,

1:12-cv-1321

Robert Holmes Bell
U.S. District Judge

COMPLIANT AND NON-JURY DEMAND

NOW COMES plaintiff James Offringa, Pro Se and for his
Complaint against Grand Rapids Griffins hereby states as
follows:

JURISDICTION AND VENUE

1. Plaintiff brings this action under the Americans with
Disabilities Act 42 U.S.C § 12101, et seq. ("ADA"), Section
504 of the Rehabilitation Act of 1973, as amended, at 29 U.S.C
§794 (the "Rehabilitation Act"), and the Person With
Disabilities Civil Rights Acts, M.C.L. § 37.10101, et seq.
("PDCRA")

2. This Court has jurisdiction pursuant to the
following statutes:

a. 28 U.S.C. §1331, which gives district courts original jurisdiction over civil actions under the Constitution, laws or treaties of the United States;

b. 28 U.S.C. §1343, (3) AND (4) which give district courts jurisdiction over actions to secure civil rights extended by the United State Government;

c. 28 U.S.C §1367, which gives the district court supplemental jurisdiction over state law claims.

3. Venue is appropriate in this judicial district under 28 U.S.C §1391(b) because the events gave rise to this Complaint occurred in this district.

PARITES

4. Plaintiff is a citizen of the United States and resides in the County of Kent, State of Michigan, which is in this judicial district.

5. Defendant Grand Rapids Griffins is a local entertainment business who has two co-owners: Dan DeVos and David Van Andel both are citizen of the United States and resides in the County of Kent, State of Michigan, which is in this judicial district.

6. Defendant Grand Rapids Griffins uses a sports arena at Van Andel Arena. Van Andel Arena is a venue for entertainment, sport team, and more for the community. Such venue can be private or public uses and subject to follow all

ADA laws for accommodations to insure any activities can be equally enjoyed to anyone one to either disabled or non-disabled.

BACKGROUND

7. The plaintiff James Offringa has a severe hearing loss and the cause of his hearing loss is from rubella or German measles. He wears hearing aids and it does the job well. Far as communication goes he speaks very well in certain environments and also fluent in American Sign Language or ASL. As of December of 2011 he has graduated from Davenport University with a double major in Computer Networking and Network Security. He began searching for a job since December 2011 with high unemployment and competitive job market it is very tough. However it is much tougher for a person who has a hearing loss or disabled person with a lifetime disability to get a job (Keep this in mind do not count any disabled veterans. Many of us cannot join or serve our country due to our disability). There are no real stats for the unemployment rate for those who are disabled but I am guessing it can be anywhere from 20% to 40%.

8. On November 1 2012 Brenda Jones (James Offringa career advisor from Michigan Vocational Rehab. advisor) has

informed the plaintiff; James Offringa that there was an upcoming career fair held at Van Andel Arena banquet room. According to the flyer attached; the main headline says "Grand Rapids Griffins Career Fair" and the date was November 7, 2012. It also has a few major highlights on the flyer. It says "Wednesday November 7th, 2012 from 9 am to 1 pm", "Located at the Van Andel Arena in the Banquet Rooms", "130 W Fulton, Grand Rapids MI 49503" and "Enjoy a complimentary ticket to the Griffins game at 11 am". On the bottom of the flyer it has a contact person if you have any questions or pre-registration. That contact person is Zack Krywyj - Griffins Group Executive along with his phone number and email for contacts proposes.

9. A number of emails were sent out for request for an interpreter for the plaintiff James Offringa. It is always the plaintiff responsibility to ask for accommodations for the event at the career fair that is hosted by the Grand Rapids Griffins. James has sent an email to Zack Krywyj on November 2, 2012 and got no reply at all. Brenda Jones has sent me an email that she has personally contacted with Michigan Works and they have confirmed her that Grand Rapids Griffins is hosting the event. She also has advised me to work with Deaf and Hard of Hearing Services (DHHS), Nan Soper who is an interpreter specialist. James has sent an

email to Nan Soper and asking for assistance on getting an interpreter for the event. Nan has sent out the request as well. A reply was shared with James Offringa from Nan Soper and learned from Zack Krywyj's email stated that he has spoken with his manager. His boss has said they are not willing to pay for it at their career fair. However they have suggested that Michigan Works is to foot the bill for the services. There was not enough time to argue or reason who is willing to foot the bill according to law for accommodations for the deaf at the career fair. James Offringa has attended at the career fair without one. His options were limited.

GENERAL ALLEGATIONS

10. James Offringa was discriminated based upon his disability in place of public accommodations. This federal mandate is found in Title III of the Americans with Disabilities Acts, 42 U.S.C §12181 et seq.

11. Also the U.S. Department of Justice has issued regulation explaining the requirements of the ADA 28 C.F.R Part 36, and written an Analysis, 56 Fed. Reg. 355449 July 26, 1991):

No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or

accommodation of any place of public accommodation by any private entity who owns, leases (or leases to), or operates a place of public accommodation.

28 C.F.R § 36.201(a) (emphasis added).

12. Van Andel Arena is a place for public gathering and Grand Rapids Griffins an private organization or company that held an event or show and it incurs obligation under the ADA:

Public accommodation means a private entity that owns, leases [or leases to], or operate a place of public accommodation.

28 C.F.R § 36.104.

13. The regulation states that a public accommodation "shall furnish appropriate auxiliary aid and services where necessary to insure effective communication" with individuals with disabilities. 28 C.F.R § 36.303(c).

Furthermore a public accommodation:

. . . shall take those steps that may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individual because the absence of auxiliary aids and services, unless the public accommodation can demonstrate that taking those steps would fundamentally the nature of the good,

services, facilities, privileges, advantages, or accommodations being offered or would result in an undue burden, i.e., significant difficulty or expense.

28 C.F.R § 36.303(a)

The plaintiff, James Offringa was clearly denied reasonable accommodation. James Offringa has sent an email to Zack Krywyj on November 2, 2012. He got no answer from Zack and he has contacted DHHS for their assistant to secure an interpreter for the event. Their final answer was no (Grand Rapids Griffins has stated in their answer on an email dated November 5, 2012.) and the plaintiff has believed that Grand Rapids Griffins has shown that they are not willing to pay for the cost after seeing the price list of obtaining an interpreter based upon DHHS services. Grand Rapids Griffins do not have no reason to show any cause of undue burden because they are a very well established entertainment venue.

14. Persons with Disabilities Civil Rights Acts (PWDCRA) -

PA 220 of 1976, MCL 37.1101

Protects person with disabilities against discrimination in employment, housing, education, and places of public accommodation.

15. Deaf Person's Interpreter Act - Act 204 of 1982

Provide for and regulates the use of interpreters in administrative and judicial proceedings. Establishes standards and compensation for interpreters.

Demands

16. The plaintiff has requested ten million dollars in putative damages due to discrimination. I have heard about it too many times among my deaf cultural peers. Very few have stood up for their rights and still get trampled upon.
17. All of Grand Rapids Griffins upper level management must volunteer 50 hours of their time with the deaf culture. It can be at any deaf school, Deaf and Hard of Hearing Services office, Paws With a Cause working with hearing dogs, attend a deaf social event and any other activities must be approved by the court.
18. Grand Rapids Griffins must host a seminar for business (at least 25 or more) human resource department or upper level management to learn about myths and facts about hiring any deaf person into the work force.
19. Grand Rapids Griffins must host a career fair for the disabled clientele. Also must provide the necessary interpreters for the career fair.

By:

A handwritten signature in black ink, appearing to be "J. Smith" or similar, written in a cursive style.

James Offringa

Pro Se

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